

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

#### List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

#### PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table a new entry to read as follows:

#### Appendix A to Part 2644—Table of Interest Rates

From	To	Date of quotation	Rate (percent)
*	*	*	*
4/01/95	6/30/95	3/15/95	9.00

Issued in Washington, DC, on this 11th day of April 1995.

Martin Slate,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 95-9239 Filed 4-13-95; 8:45 am]

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 2 and 90

[FCC No. 95-115]

#### Conditional Waiver To Use Television Channel 16 (482-488 MHz) in New York City Metropolitan Area for Public Safety Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; waiver.

**SUMMARY:** The Commission waives its rules regarding the allocation for spectrum for television broadcast service to permit the temporary assignment of frequencies in the 482-488 MHz band (television Channel 16) to public safety agencies in the New York City metropolitan area. Public safety use of these frequencies will be permitted for a period of at least five years or until the Commission assigns Channel 16 in New York City for advanced television service (ATV) and the television broadcast licensee is then ready to commence operation. This band is currently allocated to the broadcasting service but is not allotted for use in New York City. We find that circumstances exist that warrant a waiver of our rules to permit use of this spectrum by public safety radio services in the New York City metropolitan area. Granting this conditional waiver will provide public safety agencies with immediate spectrum relief that is urgently needed in the congested New York City metropolitan area.

**EFFECTIVE DATE:** May 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ray LaForge, Office of Engineering and Technology, telephone (202) 739-0598.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order* adopted on March 14, 1995 and released on March 17, 1995. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Public Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this *Order* also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20036, (202) 857-3800.

#### Summary of Order

The Commission concluded that the public safety agencies in the New York City metropolitan area have an urgent and immediate need for additional spectrum capacity for public safety

communications. Further, we held that use of Channel 16 will provide immediate and necessary relief to these public safety agencies and will also allow for development of interoperability of communications between the public safety agencies. Finally, we decided that this spectrum relief for the New York City public safety agencies can be accomplished without adversely affecting existing TV operations or our plans for implementation of ATV. Therefore, we found that the conditional grant of a waiver to the Agencies to use television Channel 16 is in the public interest. We are conditioning the grant of the waiver to reflect the concerns of broadcasters, as indicated in the Appendix.

#### Ordering Clauses

It is hereby ordered that, the Joint Request for Waiver filed by the New York Public Safety Agencies is granted to the extent discussed herein, for a period of at least five years or until any television broadcast licensee in the New York City metropolitan area initiates use of Channel 16 for ATV broadcast operations, whichever is longer, Sections 2.106 and 90.311 of the Commission's Rules are waived so that New York City metropolitan area public safety agencies may use 482-488 MHz, for land mobile public safety services under the conditions specified in the Appendix. It is hereby further ordered that the Request for Waiver filed by the New York City Transit Police Department to use television Channel 19 Is Dismissed. These actions are taken pursuant to sections 4(i), 303 (c), (f), (g), and (r), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303 (c), (f), (g), and (r).

#### List of Subjects

#### 47 CFR Part 2

Radio.

#### 47 CFR Part 90

Radio.

Federal Communications Commission.  
William F. Caton,  
*Acting Secretary.*

#### Appendix

In order to prevent interference between the proposed land mobile operations on Channel 16 in New York City and the existing television operations of WNEP-TV in Scranton, Pennsylvania on Channel 16 (FCC File Number BLCT-2623) and WPHL-TV in Philadelphia, Pennsylvania on Channel 17 (FCC File Number BLCT-2611), the

proposed land mobile operation will be restricted as follows:

Base station operation is permitted in the five boroughs of New York City and Nassau, Westchester and Suffolk Counties in New York, and Bergen County, New Jersey. Mobile operation is permitted in these counties and boroughs as well as outside these areas provided the distance from the Empire State Building (Geographic Coordinates: 40°44'54" N, 73°59'10" W) does not exceed 48 kilometers (30 miles).

#### *Co-Channel Television Protection*

For base stations to be located in the five boroughs that comprise the City of New York and other jurisdictions east of the Hudson River and Kill Van Kull, the maximum effective radiated power (ERP) will be limited to 225 watts at an antenna height of 152.5 meters (500 feet) above average terrain. Adjustment of the permitted power will be allowed provided it is in accordance with the "169 kilometer Distance Separation" entries specified in Table B or prescribed by Figure B of Section 90.309(a)(5) of the Rules.

For base stations to be located west of the Hudson River, the maximum ERP will be limited to the entries specified in Table B or prescribed by Figure B of Section 90.309(a)(5) of the Rules for the actual separation distance between the land mobile base station and the transmitter site of WNEP-TV, Scranton (Geographic Coordinates: 41°10'58" N, 75°52'21" W).

Mobile stations associated with such base stations will be restricted to 100 watts ERP in the area of operation extending eastward from the Hudson

River and 10 watts ERP in the area of operation extending westward from the Hudson River. These restrictions offer 40 dB of protection to the Grade B coverage contour of WNEP-TV, Scranton.

#### *Adjacent Channel Television Protection*

The above parameters and conditions are considered to be sufficient to protect first-adjacent channel television station WPHL-TV, Philadelphia (Geographic Coordinates: 40°02'30" N, 75°14'24" W). Operation of mobile units within a radius of 48 kilometers (30 miles) from the Empire State Building would be no closer than 8 kilometers (5 miles) from the WPHL Grade B coverage contour. This will offer a 0 dB protection ratio to WPHL-TV.

#### *Low Power Television Protection*

LPTV station W17BM has no responsibility to protect land mobile operations on adjacent TV Channel 16 other than from spurious emissions. Land mobile licensees must correct, at their expense, interference caused by their operations to the reception of W17BM within its protected signal contour as defined in Section 74.707 of the Rules.

#### *Periodic Reports*

The Joint Committee of broadcasters and public safety agencies—as contemplated in the agreement—will file annual reports with the Commission regarding the status of implementation and progress toward the development of new spectrum efficient systems.

[FR Doc. 95-9219 Filed 4-13-95; 8:45 am]

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## **47 CFR Part 73**

[MM Docket No. 88-613; RM-6483 and RM-6712]

### **Radio Broadcasting Services; Dickson, TN, and Benton and Calvert City, KY**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** The Commission dismisses the petition filed by Jackson Purchase Communications for reconsideration of the *Report and Order* in MM Docket No. 88-613, 54 FR 53612, published December 29, 1989. Jackson Purchase Communications requested withdrawal of its petition, stating that it has received no consideration for such withdrawal. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** April 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bruce A. Romano,

*Deputy Chief, Policy & Rules Division, Mass Media Bureau.*

[FR Doc. 95-9282 Filed 4-13-95; 8:45 am]

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